

# FBI in tainted

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THE world of Patricia Cornwell's FBI — a demimonde of second-guessing, sharp analysis and scientific brainpower dedicated to the pursuit of truth — was in shreds this weekend, with the US Justice Department saying 50 cases may have ended in improper prosecutions due to questionable forensic procedure at the FBI laboratory.

The announcement was made by Deputy Attorney-General Jamie Gorelick on Friday; it is a devastating official undermining of the FBI, and of the running of the most expensive forensic laboratories in the world. This is the first time the Justice Department has ordered the reopening of specific cases.

The *Observer* has been informed that the department has identified only the tip of an iceberg of twisted and contaminated forensic evidence, generating a challenge to the veracity of US justice. A leading source at the core of the scandal said 'every major bombing case and every minor bombing case handled by the FBI needs reviewing'. That could total thousands of cases.

The chairwoman of the forensic science committee of the National Association of Criminal Defence Lawyers, Julie Aimen, said: 'The FBI laboratory has always enjoyed such a fine reputation that prosecutors could represent its reports confident that they had absolute credibility with juries. Now, it is no longer above reproach, and everything they have done for the past few years is going to be questioned.'

Senator Charles Grassley, Republican chairman of the Judiciary Subcommittee which is leading Capitol Hill's probe into FBI ineptness, says the agency is 'more interested in image than product'.

'My father brought us kids up to respect the FBI,' he said. 'The FBI was so careful about

what it did. You didn't have to worry about the FBI. What we see now is that reputation has led them to feel they could be a law unto themselves — too much power without self-criticism can corrupt.'

Cracks in the foundations of the once-renowned — and still glorified — FBI operation have appeared as a number of high-profile cases come to court, or are up for revision and dominating public attention. Last week the defence for Oklahoma bomb suspect Timothy McVeigh said it would question the admissibility of prosecution forensic evidence at his trial, due to start next month.

The evidence is being handled by the the British Ministry of Defence laboratory in Kent, which was involved in the prosecution of the Maguire Seven, later found innocent.

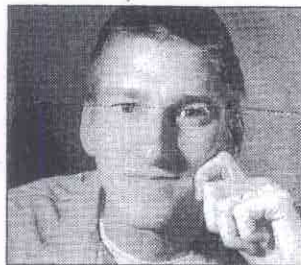
McVeigh's defence team is drawing on a wide network of British expertise, including Brian Caddy, a leading forensic scientist at Strathclyde University. A British expert working on the case, who asked not to be identified, said the FBI labs were dealing with 'rubbish in, and rubbish out'.

The family of Martin Luther King has broken its 30-year silence and called for a re-trial of James Earl Ray, convicted of his murder. Ray has protested his innocence and retracted a confession. A re-trial would focus on forensic evidence collected under primitive technology.

The defendants convicted in two trials for the bombing of the World Trade Centre in 1993 are appealing. One of the central figures in exposing the FBI, a suspended former agent and scientist, Frederick Whitehurst, will testify for the defendants.

Whitehurst's lawyer, Stephen Kohn, says that since the Justice Department announcement on the 50 cases: 'We put a formal request to the FBI to reopen 1,200 cases in 1994. Now, from the documents we have, it will have to be a lot more.'

The FBI scandal was spawned last month by a series of complaints by Whitehurst, although the Justice Department had begun an investigation last year. The report that followed is still sealed, but sources say it shows that the agency knew about inadequacies in its forensic lab for a decade, but took action only when threatened with exposure.



# evidence scandal

The *Observer* and BBC's *Newsnight* have learnt that the Justice Department found FBI agents were not bagging evidence properly at the scene of a crime, that the people in charge of investigations were not scientists, and that pressure was put on scientists for incriminating results.

Whitehurst set up a 'sting' on the World Trade Centre investigation: he filled a flask

**Oklahoma suspect  
Timothy McVeigh  
will question the  
admissibility of  
forensic tests**

with urine, boiled it dry and scraped it out to be unrecognisable. He told colleagues it had come from the crime scene, and it was certified as being Urea Nitrate — the explosive used in the bomb attack. His colleagues reportedly said: 'Another great piece of evidence; another great result.'

Experts say the FBI was forced into the open by advances in DNA-tracking equipment. A former Democratic congressman for California, Don Edwards, oversaw the development of the FBI's DNA analysis programme until 1994 and says: 'DNA forced them to confront the fact you could not run a lab like a private club, with no outsiders allowed to look in.'

After his protests, White-

hurst was demoted to the FBI's paint analysis department, and was this month suspended with three of the agents involved in the scandal, one being scientist James Thurman, who was instrumental in solving the Pan Am 103 Lockerbie bomb case.

The FBI's response to the Justice Department report is due by Friday. Sources said that it had been completed and was due for delivery any time now. It is secret but its general approach can be gauged by remarks from Deputy Director Walter Kennedy, who told a source close to the investigation the report 'would not impact on any specific case'. The source thought Kennedy's robust position was 'at least a case of misleading the public'.